

REMARKS

The Examiner's Final Rejection was affirmed by the Board in a Decision mailed January 11, 2006.

Applicant continues to be of the opinion that patentable subject matter is present and, therefore, Applicant has filed an RCE and filed this Submission concurrently to continue to pursue what Applicant believes is patentable subject matter.

Claims Status

Claim 11 has been amended herein to include the limitations of Claims 13 and 25. Likewise, Claim 18 has been amended herein to include the limitations of Claim 20 and Claim 26. After these amendments, Claims 12-14, 17, 19, 20 and 25-26 are canceled.

Claims 11 and 18 have also been amended herein to recite that the method and system are also used for monitoring the vehicle for violations. Support for this amendment can be found on page 6 in the second paragraph.

Claims 11 and 18 have also been amended herein to recite that a unique vehicle identifier is passive. Support for this amendment can be found on the fourth paragraph on page 5.

Claims 11 and 18 have been amended herein to recite that a plurality of vehicle identifiers are implanted in the vehicle. Support for this amendment can be found in the fourth paragraph on page 6 and clearly seen in Figure 1.

Thus, no new matter has been added by way of these amendments.

Prior Art

The Examiner and the Board found the main claims as being unpatentable over a combination of Urbish, Slavin and Leitner.

First, Applicant objects to the combination of these three references because the three references are directed to different types of vehicle identification systems.

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Slavin uses a transponder whereas the present Invention is passive. One of the unique aspects about being passive is that the transponders are removable where a passive identifier, such as a bar-code, is not.

~~Transponders are easily stolen and can be used by any one~~
of any vehicle. In contrast, the present Invention has its passive vehicle identifiers implanted in the vehicle so that they cannot be removed. Based on the fact that the unique identifiers of the claimed invention implanted in the vehicle cannot be stolen, they cannot be used by anyone.

Also, given the fact that the claimed identifiers are implanted in the vehicle, means that the vehicle can always be traced and positively identified. This fact also results in the present Invention being able to be tracked for purposes of legal, or more importantly, illegal use. As brought out in the second paragraph on page 6, the vehicle can be tracked to see if it is unregistered, uninspected, operated without insurance or other violations. An example of these other violations is that the vehicle is stolen. Thus, the present Invention provides a tracking system which is much more secure than a

transponder which can be moved from one vehicle to the other or a license plate which can be also moved from one vehicle to another.

Given the fact that the claimed passive vehicle identifiers are issued by Government Agencies and are mandatory in all vehicles, the system and method of the present Invention provide for public safety in their ability to track all vehicles and easily determine if a vehicle is stolen or otherwise being in violation of the law.

Furthermore, by providing a plurality of said implanted unique passive vehicle identifiers, accuracy of reading by a reader is greatly increased. Thus, readers can be used on both sides, tops or rears of the vehicle and an accurate reading in the identification of the vehicle will occur.

Thus, the present Invention not only provides for road use, but also provides for an anti-theft device thereby replacing, not only such current systems as E-Z Pass but, also, such safety systems as LoJack. Thus, the present

Invention relates to national security which can prevent terrorist bombing because of its ability to track vehicles.

None of the references require mandatory vehicle identifiers that are issued by government agencies. It is Applicant's intent that each state is required to issue the claimed passive vehicle identifiers and that each vehicle is required to have such passive identifiers so as to provide for safety with respect to stolen vehicles as well as for collection of road use fees. None of the references provide for a mandatory system of this nature.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and reconsideration and allowance are respectfully requested.

PTO Form 2038 is enclosed herewith authorizing payment of the appropriate RCE filing fee. Should any further fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests


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are hereby made and authorization is given to debit Account
#02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By:


Timothy D. Meade, Reg. 55,449
(Attorney for Applicant)
475 Park Avenue South
New York, New York 10016
Tel. # (212) 661-8000

DCL/TDM/mr

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